

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

GRADUAL TAYLOR,

Plaintiff

v.

C-1-02-446

P.O. CHERYL HART,

Defendant

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge recommending the plaintiff's Motion Opposing Dismissal and Termination of this case be denied (doc. no. 90).

On February 26, 2008, the Magistrate Judge issues his Report and Recommendation (doc. no. 74) recommending summary judgment be granted defendant on the sole remaining claim in this case and further recommending the case be closed.

On October 9, 2008, the Court ordered the plaintiff to file his response and/or objections to the Report and Recommendation on or before October 31, 2008 (doc. no. 80). On October 20, 2008, plaintiff acknowledged service of the Order (doc. no. 83). Nothing was filed.

On July 14, 2009, this Court adopted the Report and Recommendation (doc. no. 74) and dismissed and terminated the case on the docket of this Court (doc. no. 84).

In his filings with the Court (doc. nos. 87, 91, 94), plaintiff once again asserts, as he did in his Motion Against Summary Judgment (doc. no. 79), that he did not receive the Court's Order (doc. no. 80). The records of this Court show he did receive the Court's Order entered October 9, 2008 (doc. no. 83).

Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's objections have been adequately addressed and properly disposed of by the Judge. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Judge.

Accordingly, the Court hereby ADOPTS AND INCORPORATES BY REFERENCE HEREIN the Report and Recommendation of the United States Magistrate Judge (doc. no. 90). Plaintiff's Motion Opposing Dismissal and Termination of Case (doc. no. 87) is DENIED. This case remains CLOSED.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court